



US Army Corps
of Engineers®

Special Public Notice

Public Notice No. 07-22

Date: May 16, 2007

Nashville District

Expires: June 16, 2007

Please address all comments to:
Nashville District Corps of Engineers, Regulatory
Branch, Attn: Lisa R. Morris, 3701 Bell Road,
Nashville, TN 37214 Telephone (615) 369-7504.

SUBJECT: REGIONAL PERMIT FOR PRIVATE FACILITIES INCLUDING
DOCK STRUCTURES AND OTHER MINOR ACTIVITIES APPROVED BY THE
TENNESSEE VALLEY AUTHORITY (TVA)

LOCATION: TVA LAKES WITHIN THE REGULATORY BOUNDRIES OF THE
NASHVILLE DISTRICT CORPS OF ENGINEERS

FOR WHOM: THE GENERAL PUBLIC

Under authority of Section 10 of the Rivers and Harbors Act of 1899, the Nashville District Corps of Engineers is considering issuance of a Department of the Army (DA) Regional Permit (RP) that would authorize private facilities on TVA lakes that have been previously approved by TVA. These facilities are currently being authorized under other DA permits and approving these under the RP would streamline and simplify the process for applicants.

The RP would authorize the construction of private fixed and/or floating dock structures, small boat access channels to the docks, construction of steps, water intakes, geothermal heat exchange units, and boat mooring posts. Size limitations are contained within the attached Special Conditions.

The Corps will require other permits for those activities that may result in more than minimal adverse effects on the aquatic environment or do not satisfy other public interest review factors, and thus warrant a more thorough review process.

The RP would be issued for a period of five years during which time cumulative effects of approved activities would be continually monitored. If unforeseen adverse impacts result from the issuance of this RP, it may be modified or terminated.

NOTIFICATION: Persons who intend to perform work under the RP would be required to provide the Corps of Engineers verification that TVA has approved the work. In addition, the following information would be required:

- a. Name, address, and telephone number of persons applying for and/or performing the work.
- b. Location map (EXHIBIT B)
- c. Accurate plans of the proposed work on 8 ½" x 11" paper. The plans must also show all existing structures at the same location with dimensions (EXHIBIT C - Example).

Upon receipt of the above information, the Corps would review it to determine if it meets the requirements and conditions (EXHIBIT A) of the RP. Work would not be authorized to commence until the individual receives written acknowledgment from the Corps that the work meets the criteria for approval under the RP.

Use of the RP would not relieve the applicant of the necessity of obtaining other federal, state, or local permits, licenses, or authorizations required.

The decision whether to issue the RP would be based on an evaluation of the probable impacts including cumulative impacts of the activities on the public interest. That decision would reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work would be considered including the cumulative effects; conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general the needs and welfare of the people. The RP would be issued unless the District Engineer determines it would be contrary to public interest.

A Provisional Determination (copy available in this office for review) has been made that the individual activities proposed for issuance under the RP comply with the requirements for issuance of General Permits as required by 33 CFR 325.3(b) and they have been categorically excluded from environmental documentation by 33 CFR Part 325, Appendix B, Para 6, effective on March 4, 1988.

An Environmental Assessment (EA) may be prepared if extraordinary circumstances are revealed during the public interest review.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, or further condition the RP. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an EA and/or an Environmental Impact Statement, if required, pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

TVA approval would be required for any activity proposed for authorization under the RP. TVA considers any affects on properties listed in or eligible for the National Register in its review process. General Conditions for this RP requires notification to the Corps should cultural remains be discovered while accomplishing the work. Copies of this notice are being sent to the offices of the State Historic Preservation Officer in Alabama, Kentucky, Mississippi, and Tennessee.

Based on available information, activities authorized under the RP would not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **June 16, 2007**, become a part of the record and would be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Lisa R. Morris, at the above address, telephone (615) 369-7504.

EFFECTIVE DATE:
EXPIRES:

FILE NO. _____
REGIONAL PERMIT

DEPARTMENT OF THE ARMY REGIONAL PERMIT
(Dock Structures and Associated Activities)

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), this Regional Permit (RP) authorizes you to **construct private fixed and/or floating dock facilities, steps leading to the lake, walkways and access channels leading to the dock, water intakes and geothermal heat exchange units attached to the dock, and single boat mooring buoys** as shown on the attached plans provided the work is accomplished and maintained in accordance with the terms and conditions specified below.

GENERAL CONDITIONS.

1. The work must be completed within five years of the date of issuance of the RP.
2. The facilities must be maintained in good condition and in conformance with the terms and conditions of the RP. This permit may be revoked by the Corps with written notice if : (a) the structure is not completed in accordance with approved plans; (b) if in the Corps judgment, the structure is not maintained as provided herein; the structure is abandoned; (c) the structure or work must be altered to meet the requirements of future reservoir management operations of the US; (d) the Corps finds that the structure has an adverse effect upon navigation, flood control, or public lands or reservations; or (e) the Tennessee Valley Authority (TVA) notifies the Corps that they have denied approval for any reason. If this permit is revoked, you agree to remove the structure within 30 days, at your expense, upon written notice of the Corps.
3. Prior to commencement, the work authorized herein must be approved by TVA. It is the permittee's responsibility to obtain any other federal, state, or local approvals required for the work.
4. If any previously unknown historic or archaeological remains are discovered while accomplishing the activity authorized by the RP, the permittee must stop work and immediately notify this office. This office will initiate federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
5. The facilities shall not effect threatened or endangered species, as identified under the Endangered Species Act, or endanger the habitats of such species. Disturbance to riparian vegetation shall be kept to a minimum.
6. The work must not cause an adverse impact on navigation and must not interfere with the public's right to free navigation on all navigable waters of the United States.
7. Representatives of the Corps must be allowed to inspect the authorized activity at any time deemed necessary to ensure that work is accomplished in accordance with the terms and conditions of the RP.

SPECIAL CONDITIONS.

1. Structures shall not be located in sections of the river with navigation restrictions; such as within TVA designated navigational restricted sections of the river or in a narrow section of the river or outside of river bends or close to the navigation channel if an adverse effect on navigation is likely to occur.
2. Private dock structures constructed for permanent boat moorage shall be limited to a maximum size of 1,800 square feet displaced water surface area (open slip area is included in the area; steps and walkways are not included in area). Sundecks, fishing docks and piers shall be limited to 500 square feet of displaced water surface area. If the action is a rehabilitation or expansion, then the size of existing plus the proposed structure shall be included in the computation of the total area. Steps and walkway structures shall not exceed 6-feet in width,
3. The total length of the dock plus walkways connecting the dock to the shoreline shall not extend into the waterway more that one-third the distance from the minimum pool shoreline to the opposite shoreline, or 150 feet, whichever is the lesser distance.

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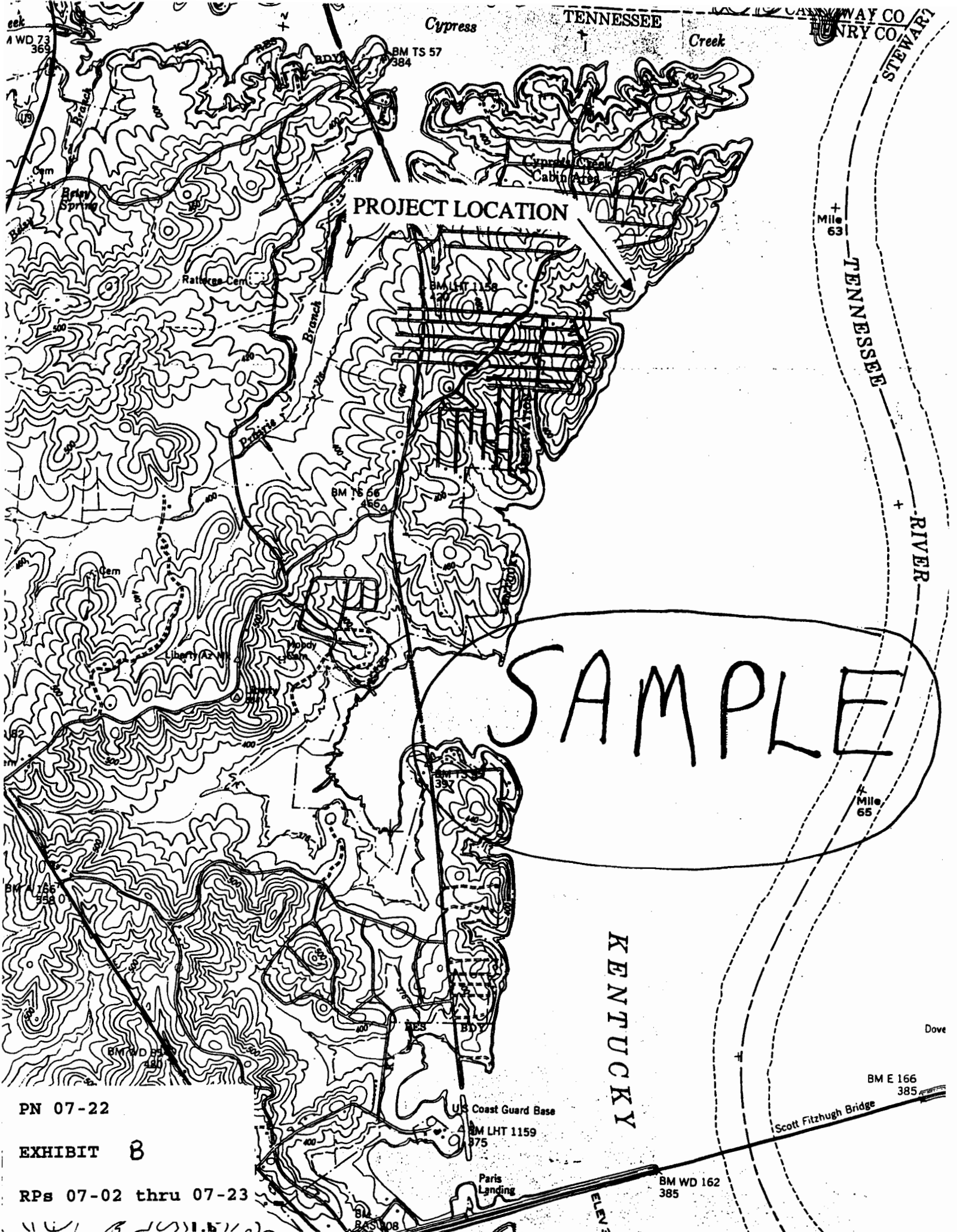
EXHIBIT A

RPs 07-02 thru 07-23

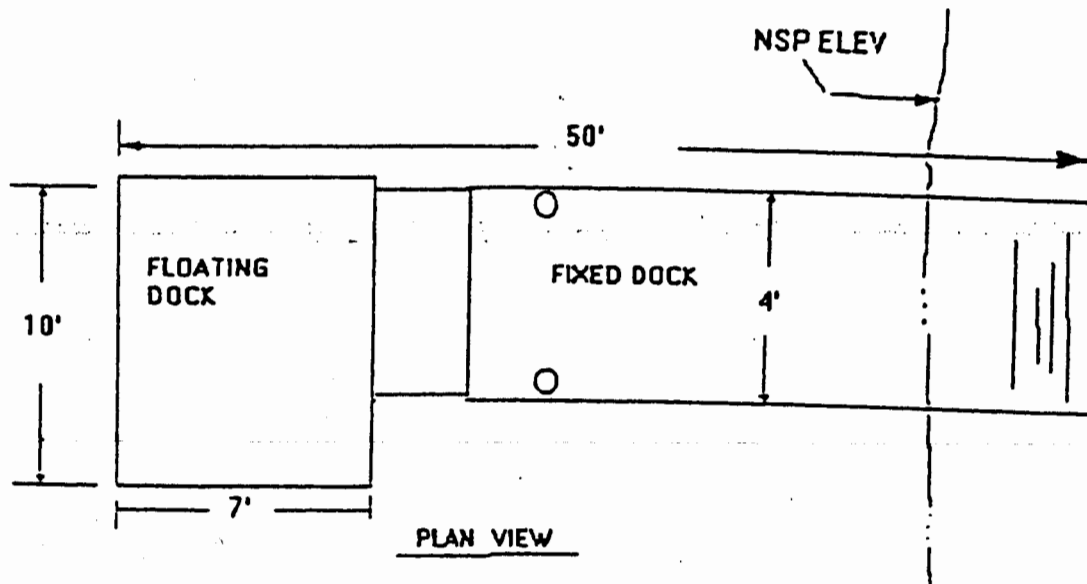
4. Structures shall be constructed of quality materials and encased styrofoam must be used for flotation; e.g., barrels, drums, etc., are not authorized.
5. Channel Dredging/Excavation activities shall be the minimum depth and width required for boat access to the dock. The top width of the channel shall not exceed 35-feet; the length shall not exceed 250-feet length. An undisturbed buffer, minimum of 10-foot off the normal summer pool shoreline, is required. The dredged/excavated materials shall be placed and stabilized at an upland location above the 100-year floodplain elevation. Dredging within vegetated shallow areas or wetlands is not authorized by this RP.
6. Water Intake lines must not exceed 3-inches in diameter and disturbance to riparian vegetation must be limited to the minimum needed to install the lines. A sign with the word "intake" must be posted on the bank of the river and/or a standard hazard buoy (with a sign attached to the buoy using a five foot cable) shall be installed to warn boaters of the underwater obstruction (if needed to protect navigation interests). The Corps will notify the permittee if a sign is required. Water withdrawal within five miles of state permitted wastewater discharges is not authorized under this RP.
7. Structures permitted may be subject to damage by wave wash from passing vessels. The issuance of this RP does not relieve the permittee from taking all proper steps to insure the integrity of the structures and the safety of boats moored thereto from damage by wave wash and that the permittee shall not hold the United States liable for any such damage.

FURTHER INFORMATION:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other federal, state, or local authorization required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project. The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the US in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data. The determination of this office that your work meets the criteria for authorization by this permit was made in reliance on the information you provided.
4. Reevaluation of your activity. This office may reevaluate its decision that your activity is authorized by this permit at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, (a) You fail to comply with the terms and conditions of this permit; (b) The information provided by you regarding the activity proves to have been false, incomplete, or inaccurate; or (c) Significant new information surfaces which this office did not consider in reaching a decision that your work meets the criteria for authorization under this permit.

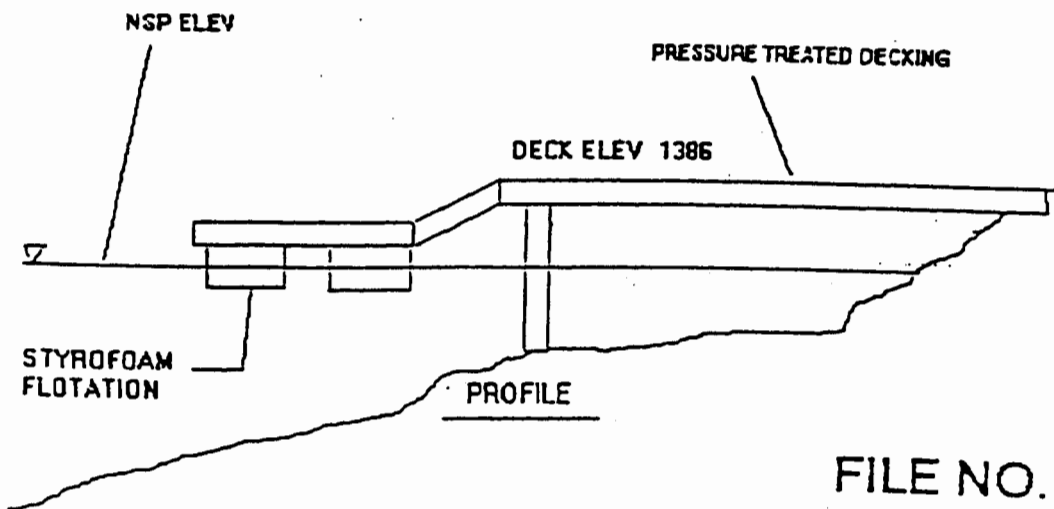


PROPOSED FIXED AND FLOATING DOCK



SAMPLE

(NOT TO SCALE)



FILE NO. _____

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EXHIBIT C

RPs 07-02 thru 07-23